

**Notice of Allowability**

Application No.

10/084,552

Examiner

Zandra V. Smith

Applicant(s)

LAFFERTY, WILLIAM MICHAEL

Art Unit

2877

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 22 April 2004.
2. ☒ The allowed claim(s) is/are 1,2,4-8,10-16 and 18-25.
3. ☒ The drawings filed on 25 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Zandra V. Smith  
Primary Examiner  
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## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1-2, 4-8, 10-16, and 18-25 are allowed.

The following is an examiner's statement of reasons for allowance: the prior art of record, taken alone or in combination, fails to disclose or render obvious, a plate that includes a plurality of substantially parallel elongated capillary tubes supported by a said base, wherein each said tube has an interior wall presenting an interior surface surround and define a lumen extending through said base between said first surface and said second surface, and an outer wall surrounding said interior wall and said lumen for absorbing light directed toward said interior surface of said interior wall, in combination with the rest of the limitations of claim 1.

Regarding claim 8, the prior art of record, taken alone or in combination, fails to disclose or render obvious a plate for holding optically detectable samples that includes a base made of an interstitial material having a first surface and a second surface, wherein the base supports a plurality of substantially parallel through-hole wells, in combination with the rest of the limitations of the claim.

As to claim 15, the prior art of record, taken alone or in combination, fails to disclose or render obvious a method for preparing samples for optical detection that includes positioning a cap on at least one surface of a base of a plate to reduce evaporation of a liquid solution, in combination with the rest of the limitations of the claim.

As to claim 19, the prior art of record, taken alone or in combination, fails to disclose or render obvious, a method for manufacturing a plate holding a large number of small volume fluid samples that includes the manufacturing step of immersing said integral unit in acid to etch said

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core glass therefrom to create said plate with a base having a first surface and a second surface and a plurality of substantially parallel elongated capillary tubes supported by said base, wherein each said tube has an interior surface defining a lumen extending through said base between said first surface and said second surface, further wherein each said tube defines a longitudinal axis, in combination with the rest of the limitations of claim 19.

As to claim 23, the prior art of record, taken alone or in combination, fails to disclose or render obvious a plate with a plurality of substantially parallel elongated capillary tubes wherein said tube is made of sleeve glass, with the sleeve glass being heat treatable to make the tube opaque, in combination with the rest of the limitations of claim 23.

As too claim 24, the prior art of record, taken alone or in combination, fails to disclose or render obvious a plate for holding optically detectable samples that includes a material surrounding and defining a lumen wherein said material of said through-hole well for each of said capillary tubes includes an interior wall surrounding and defining said lumen, and an outer wall surrounding said interior wall and said lumen, in combination with the rest of the limitations of claim 24.

As to claim 25, the prior art of record, taken alone or in combination, fails to disclose or render obvious, a method for preparing samples that includes immersing said first surface of said base into a container holding said samples in a liquid solution to wick said samples into said tubes by a capillary action and placing a high vapor pressure fluid into said through-hole wells to protect said liquid solution from evaporation, in combination with the rest of the limitations of claim 25.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

***Silverstein et al. (5,959,711)*** discloses an enhanced off-axis viewing performing of liquid crystal display employing a fiber optic faceplate that includes a plate having a base made of an interstitial material having a first and second surface, the surfaces being parallel but fails to provide through-hole wells.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

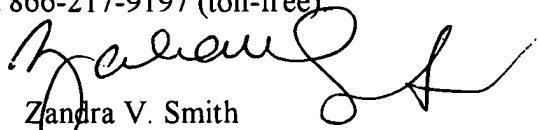
### ***Fax/Telephone Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zandra V. Smith whose telephone number is (571) 272-2429. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Zandra V. Smith  
Primary Examiner  
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July 9, 2004